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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,496	12/28/2001	Vassilios Koukoulidis	2001P22909 US	1276

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Siemens Corporation
Intellectual Property Department
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EXAMINER

CALDWELL, ANDREW T

ART UNIT PAPER NUMBER

2137

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,496

Applicant(s)

KOUKOULIDIS ET AL.

Examiner

Ashfaq Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/28/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) N/A is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/28/01, 02/13/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Remarks

Claims 1-18 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chojnacki (U.S. Patent # 6,768,942 B1) in view of Vieweg et al (U.S. Patent # 6,748,082; hereinafter Vieweg).

Regarding claim 7 Chojancki teaches that an apparatus for establishing a secure conduit for SMS communication (Col 17 Line 7-10) with a wireless terminal (Fig 1 Item 16), comprising:

a) first cryptographic means for encrypting an authorization key in response to a first SMS message from the wireless terminal comprising a public key and a request for the authorization key; (Col 3 line 34-40 and Col 7 line 38-43).

b) communication means for sending to the wireless terminal a second

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SMS message comprising the encrypted authorization key; (Col 3 line 34-40).

Chojnacki does not teach the rest of the claim limitations.

However Vieweg's teaches the step of -

c) second cryptographic means for decrypting a third SMS message from the wireless terminal comprising an authentication code and a request for a traffic key; (Col 2 Line 20 – 24 and Line 45-50; Here Service Key is interpreted as Traffic Key; Col Line 33-45).

d) upstream message authentication key means for authenticating the third SMS message; and (Col Line 33-45).

e) third cryptographic means for encrypting the traffic key; (Col 2 Line 20-25, Col 3 Line 41-44).

wherein the communication means is also means for sending to the wireless terminal a fourth SMS message comprising the traffic key (Col 3 Line 41-44, Col 2 Line 45-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Vieweg's teaching of using Service key to decrypt transmitted encrypted data from central control station to the wireless terminal with Chojnacki's navigation system because a communication channel which is secure against tapping is necessary between the terminal manufacturer and the central control station (Col 1 Line 40-44) and it is simple for authorization and efficient transmission in the form of a digital mobile radio short message for example GSM-SMS (Col 2 Line 45-50).

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Regarding claim 1 is a method claim of claim 7, therefore has been rejected for the same grounds of rejection as claim 7. See discussion of claim 7.

Regarding claim 13 is one specific example of the apparatus claim 7 and therefore has been rejected for the same grounds of rejection as claim 7. See discussion of claim 7.

Regarding claim 8, Chojnacki teaches the invention substantially as claimed. Chojnacki teaches that the apparatus of claim 7, further comprises: generating at least three keys, comprising a key encryption key (Col 2 Line 64 – Col 3 Line 17), an upstream message authentication key, and a downstream authentication key (Col 18 Line 63 – Col 19 Line 13; The Private key of the navigation system works as an upstream authentication key for the for the data send from the navigation system where as the Public Key of the authorization server works as a downstream authentication key for the navigation system).

Regarding claim 9, Chojnacki teaches the invention substantially as claimed. Chojnacki teaches that the apparatus of claim 7, wherein the wireless terminal is a wireless telephone (Col 3 Line 26-30).

Regarding claim 10, Chojnacki teaches the invention substantially as claimed. Chojnacki teaches that the authentication code is a hash-based message authentication code (Col 21 Line 46-64, Col 22 Line 43-58).

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Regarding claim 11, Chojsnacki teaches the invention substantially as claimed. Chojnacki teaches that the secure conduit is for conveying credit card transactions (Col 15 line 19-22).

Regarding claim 2 is a method claim of claim 8. See the rejection of claim 8.

Regarding claim 3 is a method claim of claim 9. See the discussion of claim 9.

Regarding claim 4 is a method claim of claim 10. See the discussion of claim 10.

Regarding claim 5 is a method claim of claim 11. See the discussion of claim 11.

Regarding claim 14-17, a Computer-readable medium is a specific type of apparatus.

Also see the following:

Regarding claim 14 see the rejection of claim 2.

Regarding claim 15 see the discussion of claim 3.

Regarding claim 16 see the discussion of claim 4.

Regarding claim 17 see the discussion of claim 5.

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Claims 6, 12, 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Chojnakci in view of Vieweg as applied to the claims above and, and further in view of - Gipson, Melinda, "the digital edge", Get to Know the Wireless Players, August 1999, www.digitaledge.org/monthly/1999_09/players.html, Page 1-3 (herein after Melinda).

Regarding claim 12, Chojsnacki teaches the invention substantially as claimed. However, Chojnacki does not teach that the secure conduit is for conveying medical information.

According to Gipson's teaching the medical companies are eyeing the device (Sprint phones capable to SMS) to notify the patients of test results (Page 3 - Paragraph 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Vieweg's teaching of using Service key to decrypt transmitted encrypted data from central control station to the wireless terminal in view of Chojnacki's navigation system with Melinda's teaching of consideration of probable use of SMS in transmitting medical information because this will create some extra convenience to the both side of the users to transmit and view information.

Regarding claim 6 is a method claim of claim 12. See the discussion of claim 12.

Regarding claim 18, a Computer-readable medium is a specific type of apparatus. See the discussion of claim 6.

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Conclusion

A shortened statutory period for response to this action is set to expire **Three months** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashfaq Khan whose telephone number is (571) 272-7964. The examiner can normally be reached on M-F between 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**

Ashfaq Khan.
Art Unit – 2137.
Patent Examiner.